Remarks

Claims 1-14 are pending in this application. Applicants have amended claim 1 as indicated below.

Claim Objection

Applicants have replaced "in" with "is" in line 5 of claim 1 and therefore, the Examiner is requested to withdraw this objection.

Claim Rejections - 35 USC §102

Claims 1, 4, 6 and 7 under 35 USC 102(b)

The Examiner has rejected these claims as being anticipated by Sieja (Pharmazie, 55: 958-959, 2000). Applicants respectfully request the Examiner to reconsider for the following reasons. As correctly identified by the Examiner, Seija a clinical trial in which patients were administered a ***combination*** of cisplatin and cyclophosphamide (see page 1, left column, lines 9-10). Details of the trial are provided under the heading "Experimental" on page 959, left column, lines 12-15, where the therapy is described as "multi-drug chemotherapy" and indicated to comprise cisplatin and cyclophosphamide. Therefore, Seija et al., do not disclose administration of the compounds as recited in the claims of the present invention, i.e., cyclophosphamide and selenium. Therefore this reference cannot be deemed to inherently disclose the effect of selenium on reduction in bladder toxicity induced by cyclophosphamide. Accordingly, Applicants request the Examiner to withdraw this rejection.

Claim Rejections - 35 USC §103

Claims 2, 3, 8-11, 13-14 under 35 USC 103(a)

The Examiner has rejected these claims as being obvious over Sieja in view of Stockel (U.S. Patent no. 4,617,189) and El-Bayoumy (Mutation Research, 475: 123-139). As discussed above, the reference of Seija does not disclose using cyclophosphamide alone but rather, uses a combination of cyclophosphamide and cisplatin. The effect of selenium on the toxicity of cyclophosphamide alone is not disclosed and cannot be identified.

Stockel et al. describe that the toxicity associated with cisplatin can be reduced by co-administration of selenium compounds. However, Stockel et al. do not teach, or even suggest that

toxicity of other agents may be affected by selenium administration. Thus, neither Seija nor Stockel address reducing toxicity induced by cyclophosphamide by the administration of seleno-L-methionine or methylselenocysteine. Similarly, the reference of El-Bayoumy does not address the toxicity of cyclophosphamide. Further, there is no teaching or motivation or even suggestion in these references that cyclophosphamide induces bladder toxicity and that selenium reduces bladder toxicity induced by cyclophosphamide, or that a higher than therapeutic dose of cyclophosphamide can be used when selenium is also administered to the individual. Therefore none of these references, either alone or in combination can be deemed to render the present invention obvious and therefore, the Examiner is requested to withdraw this rejection.

Allowable Subject Matter

It is noted that the Examiner deems claims 5 and 12 to be allowable. However, based on the above arguments, Applicants submit that all the claims (claims 1-14) are allowable.

Conclusion

Based on the above arguments and amendments, Applicants believe that claims 1-14 are now in a condition for allowance and therefore respectfully request the Examiner to allow these claims.

This application is being filed within 3 months of the date of the office action and therefore it is believed that no fee is due. If however, that is incorrect, any fee due may be charged to Deposit Account No. 08-2442.

Respectfully submitted,
HODGSON RUSS LLP

By_____
Ranjana Kadle, Ph.D., Reg. No. 40,041

Hodgson Russ LLP
One M&T Plaza, Suite 2000
Buffalo, New York 14203-2391
(716) 848-1628
Dated: June 8, 2004